

October 19, 2020

VIA ECF

Hon. Nicholas G. Garaufis
United States District Judge
United States Courthouse, Room 1426 S
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *The Roman Catholic Diocese of Brooklyn, New York v. Cuomo*, No. 1:20-cv-4844

Dear Judge Garaufis:

I write as counsel for Plaintiff in the above-captioned action. In light of the Court's finding that the Diocese will suffer irreparable harm in the absence of preliminary injunctive relief from Executive Order 202.68 as applied to the Diocese, Dkt. 32 at 10, as well as for all the reasons stated in prior briefing and at the October 15, 2020 evidentiary hearing, the Diocese intends to file an emergency motion for an injunction pending appeal in the Second Circuit. Pursuant to Federal Rule of Civil Procedure 62 and Federal Rule of Appellate Procedure 8(a)(1)(C), the Diocese hereby presents that motion to this Court in the first instance. Should the Court desire formal motion practice, Plaintiff is prepared to file papers within a day and will waive reply. As an alternative to formal briefing, the Diocese respectfully asks this Court to accept this submission as Plaintiff's letter-motion for an injunction pending appeal, and to enter an expedited ruling based on the parties' prior submissions.

Pursuant to Local Rule 37.3, we have met and conferred with counsel for Defendant, who has informed us that Defendant anticipates submitting papers in opposition to the request for an injunction pending appeal.

As always, we thank the Court for its consideration.

Respectfully,

/s/ Randy M. Mastro
Randy M. Mastro

cc: Counsel for Defendant (via ECF)